

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested. Claims 19 and 21-54 are now pending in the present application, claim 20 having been cancelled by the present Amendment. Claims 19, 20, 25, 28, 31 and 34 were rejected. Claims 21-24, 26, 27, 29, 30, 32, 33 and 35-54 were withdrawn from consideration as being directed to a non-elected invention.

Claims Rejections – 35 U.S.C. §102

In the final Office Action dated August 18, 2011, claims 19, 20, 25, 28, 31 and 34 were rejected under 35 U.S.C. §102(b) as being anticipated by **Atsuya et al.** (JP 2003-315493, previously cited and hereinafter “**Atsuya**”). Further, claims 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by **Asahi** (JP 61-40368, previously cited and hereinafter “**Asahi**”).

Initially, it is noted that independent claim 19 has been amended to clarify that “the shock absorber absorbs a shock against the cask by being deformed, and includes *a plurality of holes being kept empty when in use, formed in the shock absorber* for adjusting a shock absorbing capability.” Further, independent claim 19 has been amended to clarify that the cask buffer body comprises “a shock absorber *made of a wood material* configured to be attached to a cask that stores a recycle fuel”.

As will be discussed below, it is respectfully submitted that neither **Atsuya** nor **Asahi** disclose each and every feature recited in claim 19, and therefore the rejections under §102 are no longer applicable.

The following table (Table 1) shows the Examiner's interpretation of the relationship between elements recited in claim 19 (prior to amendment) and the disclosure of the **Atsuya** reference.

Table 1

Claim No	Claim 19 of the present invention	Disclosure of Atsuya (Assertion of the Examiner)
(19)	A cask buffer body comprising: a shock absorber	see Fig. 1 of Atsuya
	configured to be attached to a cask, wherein	not illustrated
	the shock absorber absorbs a shock against the cask by being deformed,	see Fig. 3 of Atsuya
	and includes a space for adjusting a shock absorbing capability.	space 25, 65

The Examiner asserts that the shock absorber of **Atsuya** includes a space (25, 65). However, the reference numeral 25 in **Atsuya** refers to laminated plates, and the reference numeral 65 (hole) is for inserting a screw bolt 52 or fastening bolt 62 thereto for fastening the laminated plates 25 together. **Atsuya** does not disclose that the reference numeral 65 (hole) is for adjusting a shock absorbing capability. The screw bolt 52 or fastening bolt 62 is inserted into the reference numeral 65 (hole) of **Atsuya**, while nothing is inserted into the holes 20 of the present invention.

More particularly, **Atsuya** does not disclose or suggest “the shock absorber absorbs a shock against the cask by being deformed, and includes *a plurality of holes being kept empty when in use, formed in the shock absorber* for adjusting a shock absorbing capability” as recited in independent claim 19. That is, as explained above, unlike the claimed invention, the screw bolt 52 or fastening bolt 62 is inserted into the reference numeral 65 (hole) of **Atsuya**.

Furthermore, regarding the rejection of claims 19 and 20 as being anticipated by **Asahi**, it is respectfully submitted that **Asahi** does not disclose wood as a material of the shock absorber. More particularly, **Asahi** does not disclose or suggest “a shock absorber *made of a wood material* configured to be attached to a cask that stores a recycle fuel...” as presently recited in claim 19.

A rejection under §102 requires that each and every element recited in the claim must be disclosed in the prior art reference, and must be arranged as in the claim. In view of the foregoing discussion, it is respectfully submitted that neither **Atsuya** nor **Asahi** disclose all elements recited in independent claim 19. Therefore, claim 19, and claims 25, 28, 31 and 34 which depend from claim 19, patentably distinguish over the **Atsuya** and **Asahi** references. Accordingly, reconsideration and withdrawal of the rejections under §102 are respectfully requested.

Claim Rejection – 35 U.S.C. §103

Claims 25, 28, 31 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Asahi** as applied to claim 19 above, and further in view of **Francois** (USP 6,234,311, previously cited).

Claims 25, 28, 31 and 34 depend either directly or indirectly from claim 19. The **Francois** reference does not alleviate, and was not asserted to alleviate, any of the above-noted deficiencies of **Asahi** regarding claim 19. Therefore, claims 25, 28, 31 and 34 patentably distinguish over the combination of **Asahi** and **Francois** for the same reasons set forth above with respect to claim 19 by virtue of their dependency thereon. Accordingly, reconsideration and withdrawal of the rejection of claims 25, 28, 31 and 34 under §103 are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

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Art Unit: 3657

Submission of Amendment under 37 C.F.R. §1.114
Attorney Docket No.: 062165

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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